



Date: September 14, 2011

To: Thomas J. Bonfield, City Manager
Through: Theodore L. Voorhees, Deputy City Manager
From: Jose L. Lopez, Sr., Chief of Police

Subject: Contract for Reimbursement of Costs Incurred for Law Enforcement Assistance and Accompanying Grant Project Ordinance

Executive Summary

On October 31, 2011, the Town of Chapel Hill expects several thousand people to gather in its business district for a Halloween celebration. The Town of Chapel Hill does not have the personnel resources to manage the event. Consequently, the Chapel Hill Police Department has requested that the Durham Police Department provide assistance under their existing Mutual Assistance Agreement. The Town of Chapel Hill has offered to reimburse the City of Durham for the costs incurred for this assistance.

Recommendation

Staff recommends the City Council adopt the Town of Chapel Hill Temporary Law Enforcement Assistance during Halloween 2011 Grant Project Ordinance; and authorize the City Manager to execute the Contract for Reimbursement of Costs Incurred for Law Enforcement Assistance between the City of Durham and Town of Chapel Hill.

Background

On Monday, October 31, 2011, the Town of Chapel Hill expects up to 50,000 people to gather in its business district for what has become an annual Halloween event. The Chapel Hill Police Department does not have adequate personnel resources to manage such an event and has to depend upon officers and deputies from outside of their jurisdiction for assistance.

On September 2, 2011, the Chief of Police of Chapel Hill requested temporary law enforcement assistance from the Durham Police Department under the Mutual Assistance Agreement entered into September 14, 2011 by and between the Chief of Police of Durham and the Chief of Police of Chapel Hill.

In accordance with North Carolina General Statute 160A-288, the Mutual Assistance Agreement provides that, while working for the requesting agency, a borrowed officer "shall for personnel and administrative purposes, remain under the control of his own agency, including for purposes of pay." Thus, the Town of Chapel Hill cannot pay officers from the Durham Police Department directly for assistance provided pursuant to a mutual assistance agreement. However, in order to ensure that the necessary assistance is

provided, the Town of Chapel Hill has offered to reimburse the City of Durham, per non exempt officer, at an overtime rate of time and one half of each officer's wages, plus paid benefits and, per exempt officer, each officer's hourly wages, plus paid benefits.

Issues/Analysis

Without assistance from outside agencies, the Chapel Hill Police Department will most likely not be able to safely manage the crowd of people that flood the town's business district each Halloween. In recognition of this fact, the Durham Police Department intends to provide assistance to the Chapel Hill Police Department on the evening of Monday, October 31 through the morning of November 1, 2010 and consequently, will have to expend its own resources in doing so. It would be economically sound for the City of Durham to accept reimbursement for these costs.

Alternatives

The City of Durham could choose to not receive reimbursement for costs incurred for law enforcement assistance to the Town of Chapel Hill, but doing so would require the Durham Police Department to cover expenses for which it has not budgeted. Consequently, the Durham Police Department may have to decline providing assistance for this event. This could adversely affect the Chapel Hill Police Department's ability to provide adequate crowd management this Halloween and would likely have a chilling effect on the Durham Police Department's ability to receive reciprocal assistance if needed in the future.

Financial Impact

If City Council approves the attached Grant Project Ordinance and authorizes the City Manager to execute the Contract for Reimbursement of Costs Incurred for Law Enforcement Assistance, the City will recoup all of its direct costs.

SDBE Summary

Due to the nature of this item, a SDBE summary is not required.

Attachments

1. Letter of Request from Christopher Blue, Chief of Police, Chapel Hill Police Department
2. Mutual Assistance Agreement
3. Contract for Reimbursement of Costs Incurred for Law Enforcement Assistance
4. 2011 Halloween Grant Project Ordinance